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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,151	12/31/2003	Jong-Hwa Lee	P24735	6984
7055	7590	11/10/2004	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			NGHIEM, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 11/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/748,151	Applicant(s) LEE ET AL.	
	Examiner Michael P Nghiem	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3-30-2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

The preliminary amendment filed on December 31, 2003 has been acknowledged.

### ***Claim Objections***

1. Claims 1 and 2 are objected to because of the following informalities:

- The differences between  $\psi\_M'$  and  $\psi'$  (claim 1, line 5),  $\theta\_M'$  and  $\theta'$  (claim 2, line 2) are unclear.
- "a absolute" (line 10) should be -- an absolute --.

Appropriate correction is required.

### ***Double Patenting***

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321 may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of copending Application No. 10/748,152 (Lee et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other because Lee et al. anticipates the claimed invention as follows:

A method (c1) for measuring an absolute steering angle  $\Phi$  of a steering shaft for a vehicle using a first rotatable body that rotates together with the steering shaft of the vehicle at a predetermined rotation ratio, the method comprising:

- obtaining a  $\psi\_M'$  value by measuring a relative rotational angle  $\psi'$  of the first rotatable body using a first angle sensor having a measurement range of  $\Omega$  (c1);
- obtaining a present value for a frequency i-value of the first rotatable body by comparing the present  $\psi\_M'$  value to a previous  $\psi'$  value (c2); and
- obtaining a present value for a absolute steering angle  $\Phi_1$  of the steering shaft from a present value for an absolute rotational angle  $\psi$  of the first rotatable body, using the  $\psi\_M'$  value and the present i-value (c1, c2);
- obtaining a  $\theta\_M'$  value by measuring a relative rotational angle  $\theta'$  of a second rotatable body, which is rotating together with the steering shaft at a predetermined rotation ratio, using a second angle sensor having a measurement range of  $\Omega$  (c1);
- obtaining a present value for a frequency j-value of the second rotatable body by comparing a present  $\theta\_M'$  value to a previous  $\theta\_M'$  value (c3);
- obtaining a present value for the absolute steering angle  $\Phi_2$  of the steering

shaft from a present value for an absolute rotational angle  $\theta$  of the second rotatable body, using the  $\theta\_M'$  value and the present j-value (c3, c4);

- taking a mean value of the  $\Phi 1$  and the  $\Phi 2$  (c4).

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Allowable Subject Matter***

3. Claims 1 and 2 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action and upon filing of a terminal disclaimer.

### ***Reasons For Allowance***

4. The method as claimed wherein obtaining a present value for a frequency of the first rotatable body by comparing the present  $\psi\_M'$  value to a previous  $\psi'$  value (claim 1) is not disclosed, suggested, or made obvious by the prior art of record.

### ***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (571)

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272-2277. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (571) 272-2269. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**  
Michael Nghiem

November 8, 2004